

Box DAC #3



COPY OF PAPERS  
ORIGINALLY FILED

PATENT  
71525-277201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
A. EGAN, et al. )  
Serial No: 10/080,694 )  
Filing Date: February 22, 2002 )  
For: REMOTE COUNTING DEVICE FOR A )  
PRINTING SYSTEM )

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington D.C. 20231, on  
May 8, 2002  
Date of Deposit  
James M. Wakely  
Name  
James M. Wakely 05/08/2002  
Signature Date

PETITION UNDER 37 C.F.R. § 1.47

Box DAC Petitions Branch  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
MAY 22 2002  
OFFICE OF PETITIONS

Dear Sir:

Applicants ALISTAIR EGAN and YUEN W. WONG respectfully request that the enclosed Declaration for the above-identified application be accepted under this Petition. The following Declaration is enclosed in support of this Petition under 37 C.F.R. 1.47(a) as Attachment A:

- (1) Declaration of Proof that ELIZABETH FITZGERALD cannot be found or reached after diligent effort by JAMES M. WAKELY, attorney for petitioning applicants.

Evidence of the following facts is set forth in the accompanying Declaration.

Enclosed herewith is a U.S. Certified Mail with Return Receipt letter dated March 28,

2002 to ELIZABETH FITZGERALD executed by JAMES M. WAKELY, attorney for petitioning applicants. The letter was sent to ELIZABETH FITZGERALD at her last known address:

21601 Erwin Street, #290  
Woodland Hills, CA 91367

The letter requested execution of the Declaration and its return to JAMES M. WAKELY. In addition, the letter contained a complete copy of the application papers, including the specification, claims, drawings, and declaration. To date, no response from ELIZABETH FITZGERALD has been received.

A Declaration executed by ALISTAIR EGAN and YUEN W. WONG, the remaining available joint inventors, on behalf of themselves and the non-signing inventor, is being filed again concurrently herewith in response to the Notice to File Missing Parts of Nonprovisional Application dated March 15, 2002.

A grantable petition under 37 C.F.R. § 1.47(a) requires (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort, (2) an oath or Declaration executed by the available joint inventor(s) on behalf of themselves and the non-signing inventor(s) in compliance with 37 C.F.R. § 1.63, (3) the fee as specified in 37 C.F.R. § 1.17(i), and (4) the last known address of the omitted inventor(s). Thus, this Petition should be granted because all requirements for 37 C.F.R. § 1.47(a) have been fulfilled establishing that ELIZABETH FITZGERALD cannot be found or reached after diligent effort.

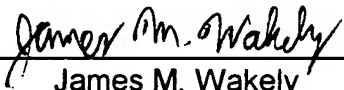
Enclosed is the \$130 Petition fee as required by 37 C.F.R. 1.17(h). This Petition under 37 C.F.R. § 1.47(a) is therefore timely filed and complete. Accordingly, it is respectfully requested that this application be accepted under 37 C.F.R. § 1.47(a).

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: May 8, 2002

By: \_\_\_\_\_

  
James M. Wakely  
Registration No. 48,597  
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800  
Los Angeles, CA 90017-5406  
Telephone: (213) 488-7100  
Facsimile: (213) 629-1033

Attachments: (1) Declaration of James M. Wakely, attorney for applicant(s)  
(2) Check No. 803027 for \$130 to cover Petition fee



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DECLARATION OF PROOF OF ELIZABETH FITZGERALD'S UNAVAILABILITY  
TO SIGN DECLARATION OF INVENTORSHIP

I, JAMES M. WAKELY, declare as follows:

1. I am a patent attorney, duly licensed to practice law in the State of California, and registered to practice before the United States Patent and Trademark Office. I am an associate of the law firm of Pillsbury Winthrop LLP, and am an attorney for the available applicants as identified in the accompanying Petition.

2. The facts stated herein are personally known to me, and I have first-hand knowledge thereof; if called upon to do so, I could and would competently testify thereto, under oath.

3. On March 28, 2002, I sent via U.S. Certified Mail with Return Receipt a complete copy of the application papers, including the specification, claims, drawings,

and declaration, for the above-identified U.S. patent application to ELIZABETH FITZGERALD's last known address. A copy of the application papers and the March 28, 2002 letter that I sent to ELIZABETH FITZGERALD's last known address are attached hereto as Attachment B.

4. To date, I have not heard nor received any reply from ELIZABETH FITZGERALD regarding this matter.

5. The last known address of residence of ELIZABETH FITZGERALD is as follows:

21601 Erwin Street, #290  
Woodland Hills, CA 91367

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: May 8, 2002

By: James M. Wakely  
James M. Wakely  
Attorney for Applicants  
Registration No. 48,597

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**MAY 22 2002**

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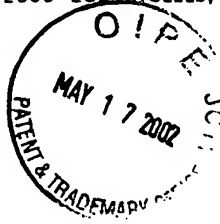


PILLSBURY WINTHROP LLP



725 SOUTH FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017-5406 213.488.7100 F: 213.629.1033

March 28, 2002



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James M. Wakely  
213.488.7186  
jwakely@PillsburyWinthrop.com

PRIVILEGED & CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION  
ATTORNEY-CLIENT PRIVILEGE  
VIA CERTIFIED MAIL — RETURN RECEIPT REQUESTED

Ms. Elizabeth Fitzgerald  
21601 Erwin Street, #290  
Woodland Hills, CA 91367

Re: U.S. Patent Application Serial No. 10/080,694  
For: **REMOTE COUNTING DEVICE FOR A PRINTING  
SYSTEM**  
Inventors: Alistair Egan, Yuen W. Wong, Elizabeth Fitzgerald  
Our Ref.: 71525-277201

Ms. Fitzgerald:

It is our understanding that you are no longer employed by Hitachi Koki Imaging Solutions, Inc. ("HKIS"). However, pursuant to your contractual obligations with HKIS, we would greatly appreciate your cooperation with the above-identified patent application, of which you are a named inventor.

Please review the enclosed patent application, including the specification, claims, and drawings, and execute (sign and date) the enclosed Declaration and Power of Attorney document and the Assignment document. Once you have executed the Declaration and Assignment documents, please return them to us as soon as possible so that we may file them with the U.S. Patent and Trademark Office to complete the application.

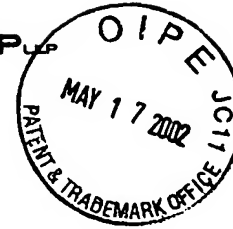
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Ms. Elizabeth Fitzgerald  
March 28, 2002  
Page 2

Thank you very much for your assistance, and if you should have any questions, please feel free to contact us.

Very truly yours,

James M. Wakely, of  
PILLSBURY WINTHROP LLP

cc:RRW

Enclosures

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MAY 22 2002

OFFICE OF PETITIONS



**PILLSBURY WINTHROP**

735 SOUTH FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017-5406  
**James M. Wakely**

**Ms. Elizabeth Fitzgerald**  
21601 Erwin Street, #290  
Woodland Hills, CA 91367



U.S. Postal Service  
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**Ms. Elizabeth Fitzgerald**

Street, Apt. No.; or PO Box No.

**21601 Erwin Street, #290**

City, State, ZIP+ 4

**Woodland Hills, CA 91367**

PS Form 3800, February 2000

See Reverse for Instructions



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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Ms. Elizabeth Fitzgerald  
21601 Erwin Street, #290  
Woodland Hills, CA 91367

Jmw/71525-277201

## 2. Article Number (Copy from service label)

7000 0520 0025 3533 1022

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) \_\_\_\_\_ B. Date of Delivery \_\_\_\_\_

C. Signature \_\_\_\_\_

☒ Agent  
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
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## 4. Restricted Delivery? (Extra Fee)

☐ Yes